

REMARKS

In response to the above-identified Office Action (“Action”), Applicant traverses the Examiner’s rejection of the claims and seeks reconsideration thereof. Claims 1-11, and 13-15 are pending in the present application. Claims 1-9, 13, and 14 are rejected. Claims 10, 11 and 15 are allowed. In this response, claims 2-7, 9 and 13 are amended, claims 1 and 8 are cancelled and no claims are added.

I. Claim Amendments

Applicant respectfully submits the amendments do not add new matter and are supported by the specification. Accordingly, Applicant respectfully requests consideration and entry of the amendments to claims 2-7, 9 and 13.

II. Claim Rejections - 35 U.S.C. §112

In the Action, claims 1-14 are rejected under 35 U.S.C. §112, first paragraph as failing to comply with the enablement requirement. Applicant respectfully notes that claim 12 was cancelled in the previous response therefore Applicant assumes the rejection is with respect to claims 1-11, 13 and 14. In the instant response, claims 1 and 8 are cancelled and claims 2-7, 9 and 13 are amended to depend from claim 15. Applicant believes in view of the amendments to the claims, claims 2-7, 9 and 13 are in compliance with 35 U.S.C. §112, first paragraph. Applicant therefore respectfully requests reconsideration and withdrawal of the rejection on this basis.

III. Claim Rejections - 35 U.S.C. §103

Claims 1-9, 13, and 14 are rejected under 35 U.S.C. §103 as being unpatentable over U.S. Patent No. 4,934,831 issued to Volbrecht (“Volbrecht”) in view of U.S. Patent No. 5,183,079 issued to Blin (“Blin”). Applicant respectfully traverses the rejection.

To establish a *prima facie* case of obviousness, the Examiner must set forth “some articulated reasoning with some rational underpinning to support the conclusion of obviousness.” See KSR International Co. v. Teleflex Inc., 82 USPQ2d 1385, 1396 (2007). In combining prior

art elements to render the claimed combination of elements obvious, the Examiner must show that the results would have been predictable to one of ordinary skill in the art. *See Examination Guidelines for Determining Obviousness Under 35 U.S.C. 103*, Section III(D), issued by the U.S. Patent and Trademark Office on October 10, 2007.

As previously discussed, claims 1 and 8 are cancelled and claims 2-7, 9 and 13 are amended to depend from claim 15. For at least the reasons that claims 2-7, 9 and 13 now depend from an allowable base claim, Applicant respectfully submits claims 2-7, 9 and 13 are not *prima facie* obviousness over Volbrecht and Blin. Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 2-7, 9 and 13 under 35 U.S.C. §103 over Volbrecht and Blin.

IV. PTO-892 Form Request

As noted by Applicant in the response dated July 29, 2010, a new reference was cited in the Office Action dated May 12, 2009, namely U.S. Patent No. 5,183,079 issued to Blin. The new reference, however, was not cited on a PTO-892 form by the Examiner. Applicant respectfully requests that the Examiner include a PTO-892 form listing the Blin reference with the next correspondence from the Patent Office.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending are in condition for allowance and such action is earnestly solicited at the earliest possible date. If there are any additional fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666. Questions regarding this matter should be directed to the undersigned at (310) 207-3800.

Respectfully submitted,

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CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being submitted electronically via EFS Web to the United States Patent and Trademark Office on the date shown below.

Susan M. Manriquez 10/28/10
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